

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS GONZALEZ,

Defendant.

8:16CR64

ORDER

This matter is before the Court on defendant Jesus Gonzalez's ("Gonzalez") Motion to Appoint Counsel (Filing No. 111) to represent him at an evidentiary hearing regarding his pending Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 103). Under Rule 8(c) of the Rules Governing Section 2255 Proceedings, where, as here, "an evidentiary hearing is warranted," the Court "must appoint an attorney to represent a petitioner who qualifies to have counsel appointed under 18 U.S.C. § 3006A." *Accord Green v. United States*, 262 F.3d 715, 718 (8th Cir. 2001). The Court has determined Gonzalez is financially eligible for appointed counsel (Filing No. 11). Gonzalez is therefore entitled to appointed counsel at his evidentiary hearing. As such,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Gonzalez at the evidentiary hearing. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall promptly file an appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall promptly provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
2. The Clerk of Court shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

Dated this 19th day of June, 2018.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge